

Under the Paperwork Reduction Act of 1895 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)  
1740

### Complete If Known

Application Number	10/760,139
Filing Date	01/16/2004
First Named Inventor	CUMMINGS
Examiner Name	OLSEN
Art Unit	1795
Attorney Docket No.	33532/US

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 50-0583 Deposit Account Name: SNL by KCO

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)

- 20 or HP =	x	=			
HP = highest number of total claims paid for, if greater than 20.					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)

- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

#### 3. APPLICATION SIZE FEE

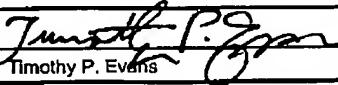
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): ISSUE FEE (Fee Code 1501); PUBLICATION FEE (Fee Code 1505) \$1740

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature		41,013	925.294.3690
Name (Print/Type)	Timothy P. Evans		Date 02/27/2008

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Sandia National Laboratories

Operated for the U.S. Department of Energy by  
**Sandia Corporation**  
 Mail Station 9031  
 P.O. Box 969  
 Livermore, CA 94551-0969  
 Telephone (925) 294-3890  
 Facsimile (925) 294-3389

### California Patent & Licensing Office

Date: 02/27/08

To: Mail Stop: ISSUE FEES

FAX: (571) 273-2885

Phone: ()

From: Timothy Evans

No. of Pages 3+ cover

Subject: REQUEST AND AUTHORIZATION TO PAY ISSUE FEES in Application Serial  
No. 10/760,139.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### Private and Confidential Information

The information contained in the facsimile message is intended ONLY for the private and confidential use of the designated recipient named above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is NOT the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this communication in error. Please notify us immediately by telephone at 925-294-3690 and return the original message to us by mail. Thank you.

*Exceptional Service in the National Interest*



In re CUMMINGS, et al.

Attorney Docket No. 33532/US

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: CUMMINGS, et al. )

Serial Number: 10/760,139 )

Examiner: OLSEN, K.J.

Filed: 01/16/2004 )

Group Art Unit: 1795

For: DIELECTROPHORESIS DEVICE )

AND METHOD HAVING NON- )

UNIFORM ARRAYS FOR )

MANIPULATING PARTICLES )

Attorney Docket Number: 33532/US )

Mail Stop ISSUE FEE

Commissioner for Patents

Alexandria, VA 22313-1450

FEBRUARY 27, 2008

RESPONSE UNDER 37 CFR §1.311

Sir:

Applicants, through their representative, respectfully present the following reply to the CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE mailed to the applicants on November 30, 2007 (copy enclosed) in the matter of U.S. Application Serial Number 10/760,139. Applicants did not receive the copy of PART B of form PTOL-85 with the initial NOTICE OF ALLOWANCE. In the interim period between the mailing of the NOTICE and the Applicants taking up this application to pay the fees the Applicants found that the Examiner originally assigned to this matter has left the employment of the USPTO and a new Examiner had been assigned. A review of PAIR indicated that this form was never included with the file wrapper in the instant application. Repeated calls to the newly assigned Examiner have failed to resolved the issue.

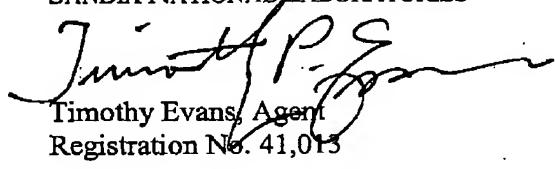
In re: CUMMINGS, et al.

Attorney Docket No. 33532/US

Therefore, in order to avoid a failure to provide timely notice to the USPTO to pay the issue fees in this application, Applicants include herein form PTO/SB/17 "Fee Transmittal for FY 2008" and expressly authorize the Commissioner to charge the require fees to the Applicants' Deposit Account 50-0583 the amount of \$1740.00 to pay the issue fee and publication fee in application serial number 10/760,139.

This response is:

Respectfully submitted by,  
SANDIA NATIONAL LABORATORIES



Timothy Evans, Agent  
Registration No. 41,013

P.O. Box 969, MS 9031  
Livermore, CA 94551-0969  
Telephone (925) 294 - 3690

**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that this Response and Amendment and any documents referred to as being attached thereto are being deposited with the U. S. Postal Service as FIRST CLASS mail addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or being facsimile transmitted to the USPTO at (571) 273-2885.

Date of Deposit: 2/27/2008

TP Evans  
Person Making Deposit



Signature

Attachments:

PTOL-85 "Corrected Notice of Allowance"

PTO/SB/17 "Fee Transmittal"